

# EXHIBIT 5

## Correspondence Appendix III

Date	Law Firm
01/10/2007	Robert Pierce & Associates
01/11/2007	Law Offices of Matthew Bergman
01/11/2007	Weitz & Luxenberg
01/11/2007	Wysoker, Glassner, Weignartner, Gonzalez, & Lockspeiser
01/12/2007	Alwyn H. Luckey, P.A.
01/12/2007	The Carlile Firm , L.L.P.
01/12/2007	Rola Hart

**Robert Peirce & Associates, P.**  
A T T O R N E Y S A T L A

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January 10, 2007

Rust Consulting, Inc.  
Claims Processing Agent  
201 S. Lyndale Avenue  
Faribault, MN 55021

**Re: Claimant's CERTIFICATION as Required by  
Order dated December 22, 2006**

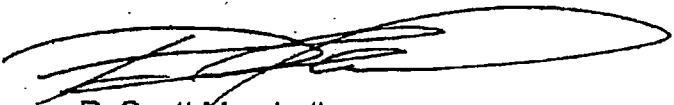
To whom it may concern:

Pursuant to the requirements set forth in United States Bankruptcy Judge Judith Fitzgerald's ORDER of December 22, 2006, the claimants, through counsel, hereby CERTIFY that it is not possible or reasonably practicable to obtain the certification described in Paragraph No. 2 of said ORDER by January 30, 2007.

Please be advised that of the nineteen (19) claimant's identified on the "List of Non-Mesothelioma Cancers with X-Ray Evidence" one (1) claimant does not have an x-ray and six (6) claimant's are non-malignant. Further, with regard to the remaining claimants, ten (10) of the x-rays are originals and two (2) of the x-rays are copies.

Therefore, in accordance Paragraph No. 3 of the ORDER, the claimants, through counsel, will make available any original x-ray for Grace's inspection at claimant's counsel's office within 30 days of the demand by Grace.

Very truly yours,

  
R. Scott Marshall

RSM/lp  
Cc: Barbara Mack Harding, Esquire  
Nathan Finch, Esquire

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MATTHEW P. BERGMAN  
ALSO ADMITTED IN OREGON

January 11, 2007

Matthew P. Bergman  
[matt@bergmanlegal.com](mailto:matt@bergmanlegal.com)

## VIA EMAIL

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## Re: WR Grace - Order On X-Ray Evidence

Dear Ms. Harding and Mr. Stansbury:

We are writing per § 3 of the *Order Regarding X-Ray Evidence* dated December 22, 2006. Our firm is submitting answers to the WR Grace Questionnaires and with the exception of two, all are clients diagnosed with mesothelioma. We have two cases however, where we currently do not have possession of x-rays. The diagnosis of the claimants' asbestos-related disease however, is not primarily supported by the interpretation of their respective x-ray results as indicated in the additional medical documentation we are providing:

- One Lung Cancer Claimant – [Nathan Mason / SSN: \*\*\*-\*\*-1928] – for this claimant we have a pathology report which is supported and further reported on by Dr. Andrew Churg.
- One Asbestosis Claimant – [George Moore / SSN: \*\*\*-\*\*-4511] – for this claimant we have a B-Read interpreted by Dr. Robert Craven in October of 1999 stating, “findings are consistent with past chronic exposure to asbestos.” We also have an autopsy report performed by Dr. Samuel Hammer with asbestos digestion done on lung tissue showing elevated numbers of asbestos bodies.

We will continue to make every effort to locate these chest x-rays and will keep you apprised of our progress.

Very truly yours,

LAW OFFICES OF MATTHEW BERGMAN

Matthew P. Bergman

cc: Natalie D. Ramsey  
Montgomery, McCracken, Walker & Rhoads, LLP

W E I T Z

RECEIVED  
1/12/07

&amp;

## LUXENBERG

A PROFESSIONAL CORPORATION

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§ Also admitted in DC  
† Also admitted in NJ and CT  
-- Also admitted in NJ and PA  
-- Also admitted in NJ and DC  
¶ Admitted only in NJ and PA  
\$ Also admitted in VA and NJ  
\*\* Also admitted in DC and TX  
£ Also admitted in DC, MD, PA and VA  
# Also admitted in DC and VA  
g Admitted only in CO  
\* Admitted only in TX

January 11, 2007

Via Federal ExpressBarbara Harding Esq.  
Kirkland and Ellis  
655 Fifteenth St., NW  
Washington, DC 20005

Re: W.R. Grace

Dear Ms. Harding,

Please be advised Weitz and Luxenberg received your letter dated December 28, 2006 regarding the Order to provide X-rays for claimants diagnosed with a non-mesothelioma asbestos-related malignancy. We are in the process of collecting these x-rays where possible and having them copied to be provided to Rust Consulting. At this time we are trying to locate a facility that can make certified copies of these x-rays.

If you have any questions, please do not hesitate to call.

Very truly yours,


 Lisa N. Busch

LNB/hg

LAW OFFICES  
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January 11, 2007

\*PA BAR     Kirkland & Ellis LLP  
+NY BAR     *Attn: Barbara M. Harding*  
655 Fifteenth Street, N.W.  
Washington, DC 20005

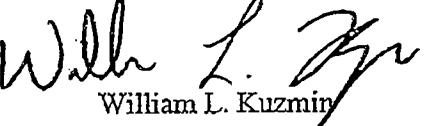
Re:     W.R. Grace & Co.  
Case No. 01-01139 (JFK)

Dear Ms. Harding:

Enclosed please find our Certification of X-ray Production.

If you have any questions, please feel free to contact me.

Very truly yours,

  
William L. Kuzmin

WKL/st  
enc.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
W.R. GRACE & CO., et al.	)	Case No. 01-01139 JKF)
	)	(Jointly Administered)
	)	
Debtors	)	
	)	

CERTIFICATION OF WILLIAM L. KUZMIN REGARDING  
X-RAY PRODUCTION

1. I am an associate at Wysoker Glassner Weingartner Gonzalez & Lockspeiser and am fully familiar with the facts surrounding these cases.
2. On December 22, 2006 an Order was entered by the Honorable Judith K. Fitzgerald concerning x-rays in the various W.R. Grace cases.
3. My office has conducted a search for x-rays for our clients and have forwarded those which are in our possession.
4. Various other x-rays have been destroyed by the medical provider due to the length of time that has passed. Copies of these letters are attached hereto as Exhibit "A".
5. To date, the remaining x-rays are not in our possession or control.
6. Pursuant to the Order, our office will consent to the signing of Medical Authorizations on behalf of our clients to allow W.R. Grace to obtain the x-rays which have not been obtained or are no longer in existence.
7. The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
WILLIAM L. KUZMIN

Dated: January 11, 2006

THE LAW FIRM  
OF  
ALWYN H. LUCKEY, P.A.

ALWYN H. LUCKEY  
STEPHEN W. MULLINS\*  
ROBERT MICHAEL CUNNINGHAM, II  
\*Also Admitted in Louisiana and Alabama

Of Counsel:  
KEITH MILLER

January 12, 2007  
*Via Facsimile and U.S. Mail Service*

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Barbara M. Harding, Esquire  
Kirkland & Ellis LLP  
655 Fifteenth Street, N.W.  
Washington, DC 20005

OXFORD  
Oxford, Mississippi 38655  
662-236-4827

Re: W. R. Grace/ Case Number 01-01139 (JKF)  
Order Regarding X-Ray Evidence / Certification

Dear Ms. Harding:

Pursuant to the above referenced Order, please find attached my certification.

Should you have any questions regarding this issue, please contact me upon your convenience.

Sincerely,

LAW FIRM OF ALWYN H. LUCKEY, P.A.

*Alwyn Luckey*  
ALWYN H. LUCKEY

AHL/kp  
Attachment

CERTIFICATION PURSUANT TO ORDER OF THE UNITED STATES  
BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE,  
DATED DECEMBER 22, 2005 IN THE MATTER OF  
W. R. GRACE & CO., et al., CHAPTER 11 CAUSE NUMBER 01-01139(JKF)

The claimants Monroe Beason, Dorothy Fielder, Emmette Jackson, Gloria Lofton, John C. Magee, Joe L. McCullum, Mary McLaurin, George McNabb, Jackie L. Morris, Ben Nichols, Arnold Roberts, William Slayden and Cooper Thornton represented by the Law Firm of Alwyn H. Luckey, P.A. hereby submit certification through their counsel of record and state as follows:

1. Counsel has obtained services to provide copies of x-rays to Grace by the deadline imposed by the Court's Order for Dorothy Fielder, John C. Magee, Mary McLaurin, Cooper S. Thornton, William A. Slayden and Emmett A. Jackson. Copies of said x-rays should be produced no later than January 30, 2007. If, for some unforeseen event, the copies are not prepared by January 30, 2007, then these x-rays will be available for inspection at our offices located at 2016 Bienville Boulevard, Ocean Springs, MS 39564. Certifications have been received for these particular x-ray copies.

2. It may not be reasonably practicable or possible to obtain certification as described in Paragraph 2 of the Court's Order Regarding X-Ray Evidence dated December 22, 2006 for Monroe Beason, Gloria Lofton, Joe L. McCullum, George McNabb, Jackie L. Morris, Ben Nichols and Arnold Roberts by January 30, 2007. X-Rays for these clients are not currently in our possession or control.

This the 12 day of January, 2007.

  
ALWYN H. LUCKEY for  
LAW FIRM OF ALWYN H. LUCKEY, P.A.

THE CARLILE LAW FIRM L.L.P.

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PAUL W. TURNER

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January 12, 2007

Ms. Barbara Harding  
KIRKLAND & ELLIS, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005  
FAX FACSIMILE: (202) 879-5200

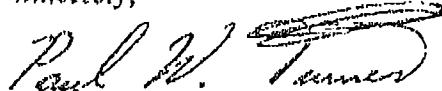
Re: *In re: W. R. Grace & Co.*, Case No. 01-01139 (JKF)

Dear Counsel:

In response to your request for the certification of x-rays, I am notifying you that it is not possible or reasonably practicable for The Carlile Law Firm to obtain the certification described in Paragraph 2 of the Order Regarding X-Ray Evidence. I am sending this notification in an abundance of caution. I will inform you that The Carlile Law Firm is diligently seeking to obtain the certifications for the x-rays and that some or all of those x-rays may have the requested certification when they are sent to Rust Consulting.

If you have any questions, please feel free to contact our office.

Sincerely,



Paul W. Turner  
Texas Bar No. 24037619

Enclosures

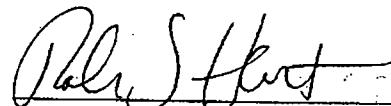
cc. Mr. Bryan Stockbury

**Tyrone Abbott, et al. vs. American Standard, Inc. et al.; In the 125<sup>th</sup> Judicial District Court of Harris County, Texas**

**Cause Number 1997-28510**

**CERTIFICATION REGARDING PLAINTIFF CHARLES HAMILTON'S X-RAY**

1. My name is Rola Hart, and I am counsel of record for Plaintiff Charles Hamilton.
2. Pursuant to Judge Fitzgerald's December 22, 2006 order, Section three (3), I am certifying that it is not possible or reasonably practicable for Plaintiff's counsel to obtain the certification requested in Section two (2) of the order.
3. Also pursuant to Section three (3) of the above-referenced order, should W.R. Grace send our office a written request, we shall make Plaintiff's original x-ray available for inspection at our office within thirty (30) days for that request.
4. All statements contained herein are true and correct.



ROLA HART